

### **Remarks**

Claims 1-20 are pending in the present application. Claims 1-19 are rejected. Claim 20 is withdrawn.

Claim 9 is cancelled.

Claim 1 is amended to include the component of claim 9. Claim 10 is amended to include the same component. Claim 19 is amended to state that the position control unit includes the actuator. Claims 3, 4, 12, and 13 are amended to insert "at least one read/write head of" after the word "and."

### **Claim Rejections Under 35 U.S.C. § 112**

Claims 3, 4, 12 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 3, 4, 12, and 13 are amended to insert "at least one read/write head of" after the word "and." This directly corrects the ambiguity pointed out by the Examiner in these claims. Accordingly, claims 3, 4, 12 and 13 are now allowable under 35 U.S.C. § 112, second paragraph.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1-8 and 10-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dupy, U.S. Patent No. 2,706,752.

Claims 1 and 10 are amended to include the component of claim 9 which is not anticipated by Dupuy. Accordingly, as amended claims 1-8 and 10-18 are now patentable under 35 U.S.C. § 102(b) over Dupy,

Claims 1-2, 6-11 and 16-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Siebert, U.S. Patent No. 3,614,342.

Applicants respectfully traverse the present reasons for the following reasons. Siebert does not disclose a data storage system which includes a positioning control unit having the unique features as required by independent claims 1 and 10. The position control unit of these claims is “operable to align at least one read/write head of said plurality of read/write heads with said corresponding storage band of said plurality of storage bands with a single positioning mode of operation.” The Examiner incorrectly states that the devices of Siebert:

comprises a position control unit (includes 61, for instance) operable to align at least one read/write head (56, for instance) of the plurality of read/write heads with the corresponding storage band of the plurality of storage bands with a single positioning mode of operation (as shown in FIGS. 2-3, for instance) [as per claim 9].

Item 61 of Siebert is not a positioning control unit. It is a “head mounting plate.” Item 35 is a head. Where is the positioning control unit? The Examiner goes on to state that Figures 2 and 3 show “a single positioning mode of operation.” This is not correct. Figures 2 and 3 are completely silent, as is the written description, on the mode of operation of any positioning units. Applicants invite the Examiner to point out the words or features in the Figure that show such positioning ability.

For at least these reasons, claims 1-2, 6-11 and 16-18 are allowable under 35 U.S.C. § 102(b) over Siebert.

Claims 1-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Draaisma et al., U.S. Patent No. 5,966,276.

Applicants respectfully traverse the present reasons for the following reasons. Siebert does not disclose a data storage system which includes a positioning control unit having

the unique features as required by independent claims 1 and 10. The position control unit of these claims is “operable to align at least one read/write head of said plurality of read/write heads with said corresponding storage band of said plurality of storage bands with a single positioning mode of operation.” The Examiner incorrectly states that the devices of Draaisma:

wherein the data storage system further comprises a position control unit (includes 406, for instance) operable to align at least one read/write head (402) of the plurality of read/write heads with the corresponding storage band of the plurality of storage bands with a single positioning mode of operation (lines 46-59 in column 8, for instance) [as per claim 9]

Reviewing of the passage cited by the Examiner in Draaisma does not reveal any discussion of the use of a single positioning mode. The entirety of the relevant passages is reproduced for the convenience of the Examiner:

During use, the combihead 402 supplies read signals  $r$  which comprise long-wave servo-information and, if information signals have already been stored on the magnetic tape, short-wave information. The read signals are applied via an amplifier unit XII to a low-pass filtering unit XIII from which position and clock signals  $p$  and  $d$  are applied to a synchronous detector unit XIV. The detector unit XIV supplies a control signal  $cc$  which is applied to the electric unit 410 via an amplifier XV for continuously setting and correcting the position of the read/write head 402 with respect to the formatted magnetic tape 404. After writing the information tracks  $D_w - D_z$ , further information tracks, for example the tracks  $D'_w - D'_z$  can be written after moving the displacement unit 406 in the direction  $Y$ .

Draaisma, col. 8, ll. 46-59

Draaisma fails to discuss a position unit in which only a single mode of operation is provided. Such a limitation clearly can not be read into Draaisma by inherency, since inherency requires that the missing limitations be necessarily present. Since the known typically prior art positioning units used in storage tape units use coarse and fine adjustment modes, the “necessarily” requirement of inherency is not satisfied.

For at least these reasons, claims 1-19 are allowable under 35 U.S.C. § 102(b) over Draaisma et al.

**Conclusion**

Applicants have made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

A check in the amount of \$120.00 was previously submitted for the one- month extension. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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